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DATE:	FEBRUARY 13, 2003
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DELIVER TO:	EXAMINER RAYMOND W. ADDIE ART UNIT 3673
FIRM NAME:	U.S. PATENT AND TRADEMARK OFFICE
FROM:	RICHARD L. AITKEN REG. NO. 18,791
TOTAL NO. OF PAGES:	4 (including cover)
Our Ref.	31530-171041
Re:	U.S. Patent Application No. 09/826,414 Confirmation No. 5027

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

Applicant: Hans Josef RINNINGER

Appl. No.: 09/826,414

Filed: April 5, 2001

For: SHAPED PAVESTONE

Art Unit: 3673

Examiner: Raymond W. Addie

Atty. Docket No. 31530-171041

Customer No.



26694

PATENT TRADEMARK OFFICE

Proposed Points Of Argument To Be Considered At Interview
Scheduled for 9:00 a.m., February 19, 2003

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Assistant Commissioner for Patents
Washington, D.C. 20231

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Sir:

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In the Office Action, the Examiner has rejected claims 1, 5, 6, 8, 11, and 12 as being anticipated by the Scheiwiller Patent No. 5,533,827. This patent had been previously relied on and had been argued as to not anticipate or suggest the Applicant's invention, because it does not disclose or teach a paving stone approximately in the form of a cube, as required in the claims of the above-identified application. The Examiner has disputed this contention because the Scheiwiller patent describes the paving stones as being "cuboidal." Notwithstanding this language in the Scheiwiller patent, Applicant contends that the Scheiwiller patent does not disclose paving stones, or teach the concept of paving stones, approximately in the shape of a cube. The Examiner's reliance on the word "cuboidal" in the Scheiwiller patent, as teaching using paving stones in the shape of a cube, is misplaced.

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It is submitted that the Scheiwiller patent does not use the term "cuboidal" to mean "cubical" or "approximately cubic." The Examiner's attention is directed specifically to column 3, lines 11-15, where the Scheiwiller patent describes all of the stones 1-5, shown in Figures 1a-1e as being cuboidal. Stones in Figures 1b-1e, as specifically described in the patent, are clearly not even close to being approximately cubical. Accordingly, the patentee's use of the term "cuboidal" to describe these stones means that the patentee is not using the term "cuboidal" to mean "approximately cubical." The patent does not disclose the dimension m of the paving stone shown in Figure 1a but, as illustrated in Figure 1a, the stone is clearly not cubical, and the use of the term "cuboidal" to describe the stone of Figure 1a does not make the stone cubical, since the word "cuboidal," as used in the patent specification, clearly does not mean "cubical" or "approximately cubical."

To clarify the distinction between the Applicant's claims and the Scheiwiller patent, the Applicant would be willing to amend the claims to recite that the perpendicular distances between the planar side faces are substantially equal. Claim 1, as amended, would read as follows:

1. (Three Times Amended) A molded block for a paving-stone covering, made of concrete, having approximately the shape of a cube and having substantially planar faces, wherein each pair of opposite planar faces of said cube are substantially parallel and the perpendicular distance between each pair of opposite planar faces are substantially equal, at least one face of said

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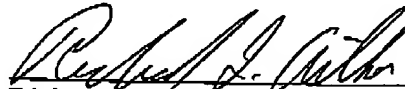
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cube having at least one rounded portion extending toward one side edge of said cube over at least 1/6 of said at least one face.

The claimed structure of the distance between each pair of opposite faces being equal makes it possible to lay the stone in any orientation on a flat bed and thereby achieve a variable pattern with a single paving stone shape.

Respectfully submitted,

Date: February 13, 2003


Richard L. Aitkin
Registration No. 18,791
VENABLE
Post Office Box 34385
Washington, D.C. 20043-9998
Telephone: (202) 962-4800
Telefax: (202) 962-8300

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#434560